

# Chapter 11

## County Agricultural Commissioner's Permit Review

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<b>Introduction</b>	<u>Any interested person</u> may ask the CAC to review his/her decision in issuing, refusing, revoking, suspending, or conditioning a permit to use or possess a restricted material. The CAC may affirm, modify, or cancel the permit decision.
<b>FAC §14009 -- CAC's review of a permit action</b>	A review pursuant to FAC section 14009(a) is typically requested by persons who have had a permit refused, revoked, or suspended with the purpose of having the CAC reissue or reinstate the permit. This is the process recommended for refusals based on evaluation of a permit application (see Section 10.1). Occasionally, the request comes from other interested persons seeking to have the CAC refuse, revoke, suspend, or further condition a permit.
<b>CAC review criteria</b>	<p>Each request for review shall be submitted in writing to the CAC and include the following:</p> <ul style="list-style-type: none"><li>• Location of persons, property, or areas affected and the location of the property being treated;</li><li>• The name of the restricted material;</li><li>• Name and address of the person in charge of the property being treated, if different from the person filing the request for review; and</li><li>• Any other information the person filing the request for review or the CAC determines to be relevant.</li></ul>
<b>Time frames</b>	The CAC will review the request and provide a written response within ten days, or as soon as is practicable. The CAC shall conduct each review in an expeditious manner so that needed pest control measures are not adversely affected.

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## County Agricultural Commissioner's Permit Review, Continued

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### Appeal to the Director

A person directly affected<sup>1</sup> by the CAC's decision may thereafter appeal to the Director for review. The CAC's review of a permit is a process which must precede an appeal to the Director regarding the CAC's review.

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### Director's appeal criteria

In an appeal of the CAC's decision to the Director, the issues are limited to whether the:

- Proposed permit's use is consistent with the applicable pesticide label restrictions and applicable regulations;
  - CAC properly considered the provisions of FAC section 14006.5;
  - CAC abused his/her discretion in issuing, refusing, revoking, or conditioning the permit.
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<sup>1</sup> The only definition of "directly affected" is in 3 CCR section 6443(h). While this section is limited to the use of phenoxy herbicides on timberland, DPR will initially apply this standard to all appeals. If the appellant does not meet this standard, he/she should state the basis for being directly affected. The permit applicant is considered to be directly affected.